

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DONNA K. MANCUSO, )  
Plaintiff, ) Civil Action No. 05 - 1650  
v. ) Judge Terrence F. McVerry  
COMMISSIONER of HEALTH and ) Magistrate Judge Lisa Pupo Lenihan  
HUMAN SERVICES, )  
Defendant. )

**MEMORANDUM ORDER**

Plaintiff's complaint was received by the Clerk of Court on December 6, 2005, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (Doc. No. 25), filed on February 12, 2007, recommended that Plaintiff's Motion for Summary Judgment (Doc. No. 21) be denied, Defendant's Motion for Summary Judgment (Doc. No. 23) be granted, and the decision of the Commissioner of Health and Human Services denying an award of disability insurance benefits be affirmed. Service was made on all counsel of record. No objections to the Report and Recommendation have been filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

**AND NOW**, this 6th day of March, 2007,

**IT IS HEREBY ORDERED** that Plaintiff's Motion for Summary Judgment (Doc. No. 21) is **DENIED**.

**IT IS FURTHER ORDERED** that Defendant's Motion for Summary Judgment (Doc. No. 23) is **GRANTED**.

**IT IS FURTHER ORDERED** the decision of the Commissioner of Health and Human Services denying an award of disability insurance benefits is **AFFIRMED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation of Magistrate Judge Lenihan, dated February 12, 2007, is adopted as the opinion of the Court.

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s/ Terrence F. McVerry  
United States District Judge

cc: Lisa Pupo Lenihan  
U.S. Magistrate Judge  
  
All Counsel of Record  
*Via Electronic Mail*